

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Twice amended) A gastric reduction device comprising:  
an expandable structure, placeable in a stomach, the expandable structure, when expanded, occupying a portion of the stomach;  
an evacuator that deflates the stomach around the expandable structure to form a gastric reduction pouch; and  
a fastener that secures an annular fold of the stomach adjacent the expanded expandable structure to maintain the gastric reduction pouch, the fastener being positioned distal to the expandable structure.
2. (original) The device of claim 1 wherein the expandable structure is placeable in the stomach immediately adjacent and distal to an esophageal orifice associated with the stomach.
3. (original) The device of claim 1 wherein the expandable structure comprises a balloon.
4. (original) The device of claim 1 wherein the expandable structure is an inflatable structure.
5. (original) The device of claim 4 wherein the inflatable structure is a compliant balloon.
6. (original) The device of claim 4 wherein the inflatable structure is a non-compliant balloon.
7. (Previously amended) The device of claim 1 wherein the evacuator extends distally from the expandable structure and terminates within the stomach.

8. (Previously amended) The device of claim 1 wherein the evacuator extends through the expandable structure, wherein the fastener is carried on the evacuator, and wherein the device further comprises a pusher that pushes the fastener through the expandable member.

9. (Previously amended) The device of claim 1 wherein the fastener inwardly folds stomach tissue to fasten serosa tissue to serosa tissue of the stomach.

10. (Previously amended) The device of claim 1 wherein the fastener comprises a cylindrically shaped member having opposed ends and tissue engaging arms radially extending from each of the opposed ends.

11. (Previously amended) The device of claim 1 wherein the evacuator comprises an endoscope that extends through the expandable structure.

12. (Previously amended) The device of claim 1 wherein the expandable structure forms a spherically shaped ring when expanded.

13. (original) The device of claim 12 wherein the spherically shaped ring includes an axial passageway and wherein the evacuator extends through the passageway.

14. (Twice amended) A gastric reduction system, comprising:  
an expandable structure, placeable in a stomach and, when expanded, occupying a fractional volume of the stomach;  
an evacuator that deflates the stomach and draws the stomach to and around the expandable structure to form a gastric reduction pouch with stomach tissue;  
a fastener that is operable to maintain the gastric reduction pouch, the fastener being positioned distal to the expandable structure; and  
a pusher, separate from the expandable structure, that pushes the fastener into a deployed position to maintain the gastric reduction pouch..

15. (original) The system of claim 14 wherein the expandable structure is placeable in the stomach immediately adjacent and distal to an esophageal orifice associated with the stomach.

16. (original) The system of claim 14 wherein the expandable structure comprises a balloon.

17. (original) The device of claim 14 wherein the expandable structure is an inflatable structure.

18. (original) The device of claim 17 wherein the inflatable structure is a compliant balloon.

19. (original) The device of claim 17 wherein the inflatable structure is a non-compliant balloon.

20. (Previously amended) The system of claim 14 wherein the evacuator extends distally from the expandable structure and terminates within the stomach.

21. (original) The system of claim 14 wherein the fastener inwardly folds stomach tissue to fasten serosa tissue to serosa tissue of the stomach.

22. (original) The system of claim 21 wherein the fastener comprises a cylindrically shaped member having opposed ends and tissue engaging arms radially extending from each of the opposed ends.

23. (original) The system of claim 21 wherein the fastener is carried by the evacuator.

24. (original) The system of claim 14 further comprising an endoscope that extends through the expandable member.

25. (Previously amended) The system of claim 14 wherein the expandable structure forms a spherically shaped ring when expanded.

26. (original) The system of claim 25 wherein the spherically shaped ring includes an axial passageway and wherein the evacuator extends through the passageway.

Claims 27 – 34 Cancelled.

35. (Currently amended) A gastric reduction device comprising:  
an expandable structure, placeable in a stomach, the expandable structure, when expanded, occupying a portion of the stomach to form a gastric reduction pouch; and  
a fastener that secures an annular fold of the stomach adjacent the expanded expandable structure to maintain the gastric reduction pouch, the fastener being positioned distal to the expandable structure, the fastener having an axial passageway surrounded by the annular fold of the stomach, the axial passageway permitting ingested food to pass out of the gastric reduction pouch.

36. (Previously presented) The device of claim 35 wherein the expandable structure is placeable in the stomach immediately adjacent and distal to an esophageal orifice associated with the stomach.

37. (Previously presented) The device of claim 35 wherein the expandable structure comprises a balloon.

38. (Previously presented) The device of claim 35 wherein the expandable structure is an inflatable structure.

39. (Previously presented) The device of claim 38 wherein the inflatable structure is a compliant balloon.

40. (Previously presented) The device of claim 38 wherein the inflatable structure is a non-compliant balloon.

41. (Previously presented) The device of claim 35 wherein the fastener inwardly folds stomach tissue to fasten serosa tissue to serosa tissue of the stomach.

42. (Previously presented) The device of claim 41 wherein the fastener comprises a cylindrically shaped member having opposed ends and tissue engaging arms radially extending from each of the opposed ends.

43. (Previously presented) The device of claim 35 further comprising an endoscope that extends through the expandable structure.

44. (Previously presented) The device of claim 35 further comprising an evacuator that deflates the stomach about the expandable structure to form the gastric reduction pouch.

45. (Previously presented) The device of claim 44 wherein the expandable structure forms a spherically shaped ring when expanded.

46. (Previously presented) The device of claim 45 wherein the spherically shaped ring includes an axial passageway and wherein the evacuator extends through the passageway.